

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEKSAM, INC.,

Plaintiff,

-against-

AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY INC.,

Defendant. :
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>9/13/2022</u>
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ORDER STAYING CASE

21 Civ. 8116 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff initially brought this suit for patent infringement against multiple defendants in the Eastern District of Texas. Upon Defendant American Express's motion, the case against it was severed and transferred to the Southern District of New York. The remaining defendants in the Eastern District of Texas litigation subsequently moved for and won summary judgment in their favor. Plaintiff has appealed the judgment to the Federal Circuit.

On September 2, 2022, pursuant to leave of Court, Defendant moved for summary judgment on Plaintiff's patent infringement claims, arguing that the Federal Circuit has already deemed the patent claims at issue invalid, and that this precedent warrants dismissal of the instant suit. (ECF No. 40.) On September 6, 2022, Plaintiff filed a letter requesting an emergency conference to discuss the substance of Defendant's motion, which seeks summary judgment on grounds of invalidity or, in the alternative, for noninfringement. (ECF Nos. 44–45.) I denied the request and instructed Plaintiff that it may address the points raised in its opposition brief. (ECF No. 48.)

Upon further consideration, having reread Defendant's opening brief and Plaintiff's letter, and in light of the appeal pending before the Federal Circuit, I find that in the interest of judicial economy, this case should be stayed pending the outcome of Plaintiff's appeal

because the decision will either dispose of this case entirely or, at least, narrow the issues to be decided.

The parties shall provide an update by April 3, 2023 as to the status of the appeal, and either side may move to unstay the case pending a final decision from the Federal Circuit.

SO ORDERED.

Dated:

September 13, 2022
New York, New York

A handwritten signature in black ink, appearing to read 'Alvin K. Hellerstein', written over a horizontal line.

ALVIN K. HELLERSTEIN
United States District Judge